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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.R. No. 2374 of 2007(O&M).
Date of Decision : May 03, 2007

Jagdish Singh

... Petitioner

Versus

Harjit Singh and others.

.. Respondents

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri Vikas Bahl, Advocate,
for the petitioner.

PRITAM PAL , J. (Oral)

This revision petition, by the plaintiff, under Article 227 of the Constitution of India, is directed against order dated 24.1.2007 passed by learned Civil Judge (Senior Division), Nawanshahar, whereby an application of the petitioner filed under Order 6 Rule 17 of the Code of Civil Procedure, for seeking amendment of his plaint, was dismissed.

Learned counsel for the petitioner contends that the observation of the learned trial court that the amendment, sought by the petitioner, would change the basic structure of the case, is wrong inasmuch as, the amendment sought is in fact, to show and elaborate that the suit-property of the parties in the hands of Assa Singh, was ancestral. Assa

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Singh is the father of the plaintiff and defendant no.1. Learned counsel further contends that the plaintiff is residing abroad and thus, he was unable to see the old revenue record of the suit-property. This factum has come to his knowledge in the year 2005 and thereafter, he immediately moved the application for seeking necessary amendment. In this case, the defendants' evidence is yet to be started.

In the given facts and circumstances of this case, I do not feel that any notice is required to be served on the respondents before allowing this petition. Taking an over-all view of the matter, this petition is allowed and it is directed that the learned trial court shall allow the petitioner to place on record the amended plaint and thereafter two dates shall be given to the petitioner-plaintiff for adducing his entire evidence.

This order is subject to payment of costs of Rs.5,000/-, payable to the defendants.

Copy dasti as per rules.

[PRITAM PAL]
JUDGE

May 3, 2007.
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